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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**NANCY MARTIGNAGO, on behalf of :
herself and all others similarly situated, :**

Plaintiff :

vs. :

**MERRILL LYNCH & CO. INC., :
MERRILL LYNCH, PIERCE, :
FENNER & SMITH INCORPORATED, :
and BANK OF AMERICA :
CORPORATION, :**

Defendants. :

Case No. 11 CIV 03923 PGG

ECF CASE

DECLARATION OF SCOTT J. SCHRADER

Scott J. Schrader, under penalty of perjury, declares as follows:

1. My name is Scott J. Schrader. I am over the age of twenty-one, I am of sound mind, and I am qualified to make this declaration. I make this declaration based on my personal knowledge and with reference to documents kept in the ordinary course of business by Defendants.

2. I work for Bank of America as a Senior Vice President; Service Delivery Executive, Pay Services Delivery in Charlotte, North Carolina.

3. Throughout various time-frames, Defendants' supplemental compensation overtime payment calculations have occurred at various offices. However, during the entire time-period for this lawsuit (since August 2008) supplemental compensation overtime calculations have not been performed in the state of New York. Call centers who field questions regarding these subjects have likewise not been located in New York in this time period.

4. Since December 2009 these overtime calculations and payroll functions have been handled by a vendor who is not located in New York. Since July 2011, the vendor Aon Hewitt has taken over these functions.

5. Currently, the data centers which process supplemental compensation payments (including overtime payments) are not located in New York. Currently, payroll questions are handled by offices in North Carolina and Texas.

I declare, under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of September, 2011.


